

BILL NO. G-91-11-65 (AS AMENDED)

GENERAL ORDINANCE NO.

9-33-92

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REVISING CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, ENTITLED "HUMAN RELATIONS," BY ADDING A NEW ARTICLE II. ENTITLED "FAIR HOUSING."

WHEREAS, Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, THAT:

SECTION 1. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana entitled "Human Relations" is hereby amended by repealing current Section 15-10 in its entirety and repealing current Section 15-11 in its entirety.

SECTION 2. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is further amended by adding a new Article II. entitled "Fair Housing" which contains the following language:

## ARTICLE II. FAIR HOUSING

### Division 1. PURPOSES AND RULES OF CONSTRUCTION

15-21. **Purposes of Article.** - The purposes of this Article are the following:

(A) To provide for fair housing practices within the City of Fort Wayne, Indiana.

(B) To create a procedure for investigating and conciliating complaints of discriminatory housing practices.

(C) To provide rights and remedies substantially equivalent to those granted under state and federal law.

15-22. **Commission of discriminatory act because of familial status.** - Under this Article, a discriminatory act is committed because of familial status if the act is committed because a person who is the subject of discrimination is:

(A) Pregnant;

(B) Domiciled with an individual younger than eighteen (18) years of age in regard to whom the person:

(1) Is the parent or legal custodian; or

(2) Has the written permission of the parent or legal custodian for domicile with that person; or

(C) In the process of obtaining legal custody of an individual younger than 18 years of age.



15-23. Definitions

Applicability. - The definitions in this section apply throughout this Article.

**"Aggrieved person" defined.** - "Aggrieved person" includes any person who:

(A) Claims to have been injured by a discriminatory housing practice; or

(B) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

**"Commission" defined.** - "Commission" refers to the Fort Wayne Metropolitan Human Relations Commission.

**"Complainant" defined.** - "Complainant" means a person, including the commission, who files a complaint under section 15-45.

**"Conciliation" defined.** - "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the commission.

**"Conciliation agreement" defined.** - "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

**"Discriminatory housing practice" defined.** - "Discriminatory housing practice" means an act prohibited under Division 4 of this Article.

**"Dwelling" defined.** - "Dwelling" means:

(A) Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families; or

(B) Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by subdivision (A).

**"Family" defined.** - "Family" includes a single individual.

**"Handicap" defined.** -

(A) "Handicap" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one (1) or more of the person's major life activities;

(2) A record of having an impairment described in subdivision (A); or

(3) Being regarded as having an impairment described in subdivision (A).

(B) The term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(C) The term does not include an individual solely because that individual is a transvestite.



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2 "Person" defined. - "Person" means one (1) or more  
3 individuals, corporations, partnerships, associations, labor  
4 organizations, legal representatives, mutual companies, joint-  
5 stock companies, trusts, unincorporated organizations,  
6 trustees, trustees in cases under Title 11, receivers, and  
7 fiduciaries.

8 "Respondent" defined. - "Respondent" means:

9 (A) The person accused of a violation of this Article in  
10 a complaint of discriminatory housing practice; or

11 (B) Any person identified as an additional or a  
12 substitute respondent under 15-48 or an agent of an additional  
13 or a substitute respondent.

14 "To rent" defined. - "To rent" includes to lease, to sublease,  
15 to let, or to otherwise grant for a consideration the right to  
16 occupy premises not owned by the occupant.

## 17 Division 2. Exemptions

18 15-24. Sale or rental of single-family houses - Rooms or  
19 units in certain dwellings.

20 (A) Subject to subsection (C), section 15-37 does not  
21 apply to the following:

22 (1) The sale or rental of a single-family house  
23 sold or rented by an owner if:

24 (a) The owner does not:

25 (i) Own more than three (3) single-family  
26 houses at any one (1) time; or

27 (ii) Own any interest in, nor is there  
28 owned or reserved on the owner's behalf,  
29 under any express or voluntary agreement,  
30 title to, or any right to any part of the  
31 proceeds from the sale or rental of more  
32 than three (3) single-family houses at  
any one (1) time; and

(b) The house was sold or rented without:

(i) The use of the sales or rental  
facilities or services of a real estate  
broker, an agent, or a salesman licensed  
under I.C. 25-34.1, or of an employee or  
agent of a licensed broker, an agent, or  
a salesman, or facilities or services of  
the owner of a dwelling designed or  
intended for occupancy by five (5) or  
more families; or

(ii) The publication, posting, or  
mailing of a notice, a statement, or an  
advertisement prohibited by section 15-  
38.



1 (B) (1) The sale or rental of rooms or units in a  
2 dwelling containing living quarters occupied or  
3 intended to be occupied by no more than four (4)  
4 families living independently of each other if the  
owner maintains and occupies one (1) of the living  
quarters as the owner's residence.

5 (2) The exemption in subsection (A)(1) applies to  
6 only one (1) sale or rental in a twenty-four (24)  
month period if the owner was not the most recent  
resident of the house at the time of the sale or  
rental.

7 15-25. Religious organizations - This Article does not  
8 prohibit a religious organization, an association, or a  
9 society or a nonprofit institution or an organization  
operated, supervised, or controlled by or in conjunction with  
a religious organization, an association, or a society from:

10 (A) Limiting the sale, rental, or occupancy of dwellings  
that it owns or operates for other than a commercial purpose  
to persons of the same religion; or

11 (B) giving preference to persons of the same religion,  
12 unless membership in the religion is restricted because of  
race, color, or national origin.

13 15-26. Private Clubs. - This Article does not prohibit a  
14 private club not open to the public that, as an incident to  
the club's primary purpose, provides lodging that the club  
owns or operates for other than a commercial purpose from  
15 limiting the rental or occupancy of that lodging to the  
members or from giving preference to the members, unless  
16 membership in the club is restricted because of race, color,  
or national origin.

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18 15-27. Housing for older persons.

19 (A) As used in this Article, "housing for older persons"  
20 means housing that the commission determines is:

21 (1) Specifically designed and operated to assist  
elderly persons under federal or state program:

22 (2) Intended for and solely occupied by persons at  
least sixty-two (62) years of age; or

23 (3) Intended and operated for occupancy by at least  
one (1) person at least fifty-five (55) years of  
age in each unit.

24 (B) Housing that includes units that are unoccupied or  
that are occupied by persons who do not meet the age  
requirement of subsection (A)(2) or (A)(3) does not fail to  
25 meet the requirements for housing older persons if:

26 (1) The unoccupied units are reserved for persons  
who meet the age requirements of subsection (A)(2)  
or (A)(3); or

27 (2) The occupants who do not meet the age  
28 requirements of subsection (A)(2) or (A)(3) have  
resided in the housing since September 13, 1988 or  
29 an earlier date, and the persons who became  
occupants after September 13, 1988, meet the age  
requirements of subsection (A)(2) or (A)(3).

30 (C) The Commission shall adopt rules under I.C. 4-22-2  
31 to establish criteria for matching determinations under  
subsection (A). These rules must include at least the  
32 following provisions:

(1) Except as provided in subsection (2), the  
housing must provide significant facilities and  
services specifically designed to meet the physical  
or social needs of older persons.



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2 (2) If the provision of the facilities and  
3 services described in subsection (1) is not  
4 practicable, the housing must be necessary to  
provide important housing opportunities for older  
persons.

5 (3) At least eighty percent (80%) of the units  
must be occupied by at least one (1) person who is  
at least fifty-five (55) years of age.

6 (4) The owner or manager of the housing must  
publish and adhere to provide housing for persons  
who are at least fifty-five (55) years of age.

7 (D) The provisions of section 15-22 relating to familial  
8 status do not apply to housing for older persons.

9 15-28. Appraisals of property. - This Article does not  
10 prohibit a person engaged in the business of furnishing  
11 appraisals of real property from taking into consideration  
factors other than race, color, religion, sex, handicap,  
familial status, or national origin.

12 15-29. Health or safety restrictions - Other laws not  
13 affected.

14 (A) This Article does not affect a reasonable local, or  
15 state restriction on the maximum number of occupants permitted  
to occupy a dwelling or restriction relating to health or  
safety standards.

16 (B) This Article does not affect a requirement of  
nondiscrimination in any other local, state or federal law.

17 **Division 3. Administrative Provisions**

18 15-30. Commission to administer article. - The commission  
19 shall administer this Article.

20 15-31. Adoptions of rules. - The commission may adopt rules  
under I.C. 4-22-2 necessary to implement this article.

21 15-32. Action on complaints alleging violation of Article. -  
22 As provided by Section 15-45 the commission shall receive,  
investigate, seek to conciliate, and act on complaints  
23 alleging violations of this Article.

24 15-33. Delegation of powers and duties to executive director.  
The commission may, by rule, authorize the executive director  
of the commission to exercise the commission's powers and  
perform the commission's duties under this Article.

26 15-34. Cooperation with other entities. - The commission  
27 shall cooperate with and, as appropriate, may provide  
technical and other assistance to federal, state, local, and  
28 other public or private entities that are formulating or  
operating programs to prevent or eliminate discriminatory  
29 housing practices.

30 15-35. Subpoenas and discovery provisions.

31 (A) The commission may issue subpoenas and order  
discovery as provided by this section in aid of investigations  
32 hearings under this Article.

(B) Subpoenas and discovery in aid of investigations may  
be ordered to the same extent and are subject to the same  
limitations as subpoenas and discovery in a civil action in a  
circuit or superior court. Subpoenas and discovery in aid or  
hearings are subject to I.C. 4-21.5.



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2 15-36. Acceptance of gifts and grants. The commission may  
3 accept gifts and grants from any public or private source for  
4 the purpose of administering this Article.

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Division 4. Discrimination Prohibited

15-37. Discrimination in connection with sale or rental of dwellings prohibited - Exception as to persons convicted of illegal manufacture or distribution of controlled substance.

(A) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, handicap, or national origin.

(B) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, familial status, handicap, or national origin.

(C) This Article does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

15-38. Notices, statements, or advertising. - A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make such a preference, limitation, or discrimination.

15-39. Representations regarding availability of dwelling for inspection. - A person may not represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

15-40. Representations regarding entry of certain persons into neighborhood. - A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, handicap, familial status, or national origin.

15-41. Handicapped persons.

(A) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(1) The buyer or renter;

(2) A person residing in or intending to reside in the dwelling after the dwelling is sold, rented, or made available; or

(3) (a) Any person associated with the buyer or renter.

(b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:



- (1) The person;
- (2) a person residing in or intending to reside in the dwelling after the dwelling is sold, rented or made available; or
- (3) any person associated with the person.

(c) For the purpose of this section only, discrimination includes the following:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises.

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations maybe necessary to afford the person equal opportunity to use and enjoy a dwelling.

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

(a) The public use and common use parts of the dwellings are readily accessible to and usable by handicapped persons;

(b) All the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) All premises within the dwellings contain the following features of adaptive design:

(i) An accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow later installations of grab bars; and

(iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(d) As used in subsection (c), "covered multifamily dwellings" means:

(i) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and

(ii) Ground floor units in other buildings consisting of four (4) or more units.



(e) Compliance with the rules of the fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI A117.1) satisfies the requirements of subsection (c)(3)(c).

(f) This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

**15-42. Loans or financial assistance.**

(A) As used in this Article, "residential real estate related transaction" means the following:

(1) Making or purchasing loans or providing other financial assistance:

(a) To purchase, construct, improve, repair, or maintain a dwelling; or

(b) To secure residential real estate.

(2) Selling, brokering, or appraising residential real property.

(B) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, handicap, familial status, or national origin.

**15-43. Brokers' organizations, services, or facilities.** - A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, handicap, familial status, or national origin.

**15-44. Coercion, intimidation, threats, or interference.** - A person may not coerce, intimidate, threaten, or interfere with any other person:

(1) In the exercise or enjoyment of any right granted or protected by this Article; or

(2) Because the person has exercised or enjoyed, or has encouraged another person in the exercise or enjoyment of, any right granted or protected by this Article.



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2 Division 5. Administrative Enforcement

3 15-45. Duty of commission to investigate discriminatory  
4 housing practices - Filing of complaint - Amendment - Notice.

5 (A) The commission shall investigate alleged  
6 discriminatory housing practices.

7 (B) A complaint concerning an alleged discriminatory  
8 housing practice must be:

9 (1) In writing;

10 (2) Under oath; and

11 (3) In the form prescribed by the commission.

12 (C) An aggrieved person may, not later than one (1) year  
13 after an alleged discriminatory housing practice has occurred  
14 or terminated, whichever is later, file a complaint with the  
15 commission alleging the discriminatory housing practice.

16 (D) Not later than one (1) year after an alleged  
17 discriminatory housing practice has occurred or terminated,  
18 whichever is later, the commission may file the commission's  
19 own complaint.

20 (E) A complaint under this Article may be amended at any  
21 time.

22 (F) When a complaint is filed under this Article, the  
23 commission shall do the following:

24 (1) Give the aggrieved person notice that the  
25 complaint has been received.

26 (2) Advise the aggrieved person of the time limit  
27 and choice of forums under this Article.

28 (3) Not later than twenty (20) days after filing  
29 of the complaint or the identification of an  
30 additional respondent under 15-48 of this Article,  
31 serve on each respondent:

32 (a) A notice identifying the alleged  
discriminatory practice and advising the  
respondent of the procedural rights and  
obligations of a respondent under this  
Article; and

(b) A copy of the original complaint.

15-46. Answer to complaint.

(A) Not later than ten (10) days after receipt of notice  
and a copy of the complaint under section 15-45(F)(3), a  
respondent shall file an answer to the complaint.

(B) An answer must be:

(1) In writing; and

(2) In the form prescribed by the commission.

(C) An answer may be amended at any time.

(D) An answer does not inhibit the investigation of a  
complaint.

15-47. Investigation of complaints referred by federal  
government - Completion of investigation.

(A) If the federal government has referred a complaint to  
the commission or has deferred jurisdiction over the subject  
matter of the complaint to the commission, the commission  
shall promptly investigate the allegations set forth in the  
complaint.



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2 (B) The commission shall investigate all complaints,  
3 filed under this Article and except as provided by subsection  
4 (C), shall complete an investigation not later than one  
5 hundred (100) days after the date the complaint is filed, or  
6 if the commission is unable to complete the investigation  
7 within the one hundred (100) day period, shall dispose of all  
8 administrative proceedings related to the investigation not  
9 later than one (1) year after the date the complaint is filed.  
10 (C) If the commission is unable to complete an  
11 investigation within the time periods prescribed by subsection  
12 (B), the commission shall notify the complainant and the  
13 respondent in writing of the reasons for the delay.  
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15 **15-48. Joinder of additional or substitute respondents.**

16 (A) The commission may join a person not named in the  
17 complaint as an additional or substitute respondent if in the  
18 course of the investigation the commission determines that the  
19 person should be accused of a discriminatory housing practice.

20 (B) In addition to the information required in the  
21 notice under 15-45(F)(3) of this Article, the commission shall  
22 include in a notice to a respondent joined under this Article  
23 an explanation of the basis for determination that the person  
24 is properly joined as respondent.  
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26 **15-49. Conciliation Agreements.**

27 (A) The commission shall, during the period beginning  
28 with the filing of a complaint, to the extent feasible, engage  
29 in conciliation with respect to the complaint.

30 (B) A conciliation agreement is an agreement between a  
31 respondent and the complainant and is subject to commission  
32 approval.

(C) A conciliation agreement may provide for binding  
arbitration or other methods of dispute resolution. Dispute  
resolution that results from a conciliation agreement may  
authorize appropriate relief, including monetary relief.

(D) A conciliation agreement shall be made public unless  
the complainant and respondent agree otherwise and the  
commission determines that disclosure is not necessary to  
further the purposes of this Article.

(E) Nothing said or done in the course of conciliation  
may be made public or used as evidence in a subsequent  
proceeding under this Article without the written consent of  
the persons concerned. (F) After completion of the  
commission's investigation, the commission shall make  
available to the aggrieved person and the respondent,  
information derived from the investigation and the final  
investigation report relating to that investigation.

**15-50. Action for temporary or preliminary relief.**

(A) If the commission concludes at any time following  
the filing of a complaint that prompt judicial action is  
necessary to carry out the purposes of this Article, the  
commission may file a civil action for appropriate temporary  
or preliminary relief pending final disposition of the  
complaint in the Allen Circuit Court or Allen Superior Court.

(B) A temporary restraining order or other order  
granting temporary or preliminary relief under this Article is  
governed by the Indiana Rules of Trial Procedure.

(C) The filing of a civil action under this Article does  
not affect the initiation or continuation of administrative  
proceedings under section 15-58.



1 15-51. Final investigative report.

2 (A) The commission shall prepare a final investigative  
3 report showing the following:

4 (1) The names and dates of contacts with witnesses.

5 (2) A summary of correspondence and other contacts  
6 with the aggrieved person and the respondent  
7 showing the dates of the correspondence and  
8 contacts.

9 (3) A summary description of other pertinent  
10 records.

11 (4) A summary of witness statements.

12 (5) Answers to interrogatories.

13 (B) A final report under this Article may be amended if  
14 additional evidence is discovered.

15 15-52. Determination of reasonable cause.

16 (A) The commission shall determine based on the facts  
17 whether reasonable cause exists to believe that a  
18 discriminatory housing practice has occurred or is about to  
19 occur.

20 (B) The commission shall make the determination under  
21 subsection (A) not later than one hundred (100) days after the  
22 date a complaint is filed unless:

23 (1) It is impracticable to make the determination;  
24 or

25 (2) The commission has approved a conciliation  
26 agreement relating to the complaint.

27 (C) If it is impracticable to make the determination  
28 within the time period provided by subsection (B), the  
29 commission shall notify the complainant and respondent in  
30 writing of the reasons for the delay.

31 (D) If the commission determines that reasonable cause  
32 exists to believe that a discriminatory housing practice has  
occurred or is about to occur, the commission shall  
immediately issue a finding of reasonable cause on behalf of  
the aggrieved person.

15-53. Finding of reasonable cause - Contents.

(A) A finding of reasonable cause issued under section  
15-52:

(1) Must consist of a concise statement on which  
the commission has found reasonable cause to  
believe that a discriminatory housing practice has  
occurred or is about to occur;

(2) Must be based on the final investigative  
report; and

(3) Need not be limited to the facts or grounds  
alleged in the complaint.

(B) Not later than twenty (20) days after the commission  
issues a finding of reasonable cause, the commission shall  
send a copy of the finding of reasonable cause with  
information concerning the election under section 15-56 to the  
following:

(1) Each respondent, together with a notice of the  
opportunity for a hearing provided by section 15-  
58.

(2) Each aggrieved person on whose behalf the  
complaint was filed.



15-54. Dismissal of complaint.

(A) If the commission determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall promptly dismiss the complaint.

(B) The commission shall make available for public disclosure each dismissal under this Article.

15-55. Finding of reasonable cause precluded after commencement of civil actions. - The commission may not issue a finding of reasonable cause under this Article regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.

15-56. Election to have claims decided in civil action.

(A) A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of reasonable cause decided in civil action as provided by section 15-57.

(B) The election must be made not later than twenty (20) days after the date of receipt by the electing person of service under section 15-53(B) or, in the case of the commission, not later than twenty (20) days after the date the finding of reasonable cause was issued.

(C) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the finding of reasonable cause relates.

15-57. Filing of civil action - Intervention by aggrieved persons - Granting of relief.

(A) If a timely election is made under Section 15-57 [this section], the commission shall, not later than thirty (30) days after the election is made, file a civil action on behalf of the aggrieved person seeking relief under this Article in a Allen Circuit Court or Allen Superior Court.

(B) An aggrieved person may intervene in the action.

(C) If the court finds that a discriminatory practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under 15-64.

(D) If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

15-58. Hearing.

(A) If a timely election is not made under section 15-56, the commission shall provide for a hearing on the finding of reasonable cause.

(B) Except as provided by subsection (C), I.C. 4-21.5 governs a hearing and appeal of a hearing under this Article.

(C) A hearing under this Article may not continue regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing practice.



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2 **15-59. Order for appropriate relief - Penalties.**

3 (A) If the commission determines at a hearing under  
4 section 15-58 a respondent has engaged or is about to engage  
5 in a discriminatory housing practice, the commission may order  
6 the appropriate relief, including actual damages, reasonable  
7 attorney's fees, court costs, and other injunctive or  
8 equitable relief.

9 (B) To vindicate the public interest, the commission may  
10 assess a civil penalty against the respondent in an amount  
11 that does not exceed the following:

12 (1) Ten thousand dollars (\$10,000) if the  
13 respondent has not been adjudged by order of the  
14 commission or a court to have committed a prior  
15 discriminatory housing practice.

16 (2) Except as provided by subsection (C), twenty-  
17 five thousand dollars (\$25,000) if the respondent  
18 has been adjudged by order of the commission or  
19 court to have committed one (1) discriminatory  
20 housing practice during the five (5) year period  
21 ending on the date of the filing of the finding of  
22 reasonable cause.

23 (3) Except as provided by subsection (C), fifty  
24 thousand dollars (\$50,000) if the respondent has  
25 been adjudged by order of the commission or a court  
26 to have committed two (2) or more discriminatory  
27 housing practices during the seven (7) year period  
28 ending on the date of the filing of the finding of  
29 reasonable cause.

30 (C) If the acts constituting the discriminatory housing  
31 practice that is the object of the finding of reasonable cause  
32 are committed by the same individual who has been previously  
adjudged to have committed acts constituting a discriminatory  
housing practice, the civil penalties in subsection (B) (2) and  
(B) (3) may be imposed without regard to the period of time  
within which any other discriminatory housing practice  
occurred.

(D) The commission may sue to recover a civil penalty  
due under this Article.

15-60. Certain contracts, sales, encumbrances, or leases  
unaffected by order. - A commission order under section 15-59  
does not affect a contract, a sale, an encumbrance, or a lease  
that:

(A) Was consummated before the commission issued the  
order; and

(B) Involved a bona fide purchaser, an encumbrancer, or  
a tenant who did not have actual notice of the finding of  
reasonable cause filed under this Article.

15-61. Respondents subject to licensing or regulation by  
governmental agencies - Forwarding of findings, orders, and  
recommendations to agencies. - If the commission issues an  
order with respect to a discriminatory housing practice that  
occurred in the course of a business subject to licensing or  
regulation by a governmental agency, the commission shall, not  
later than thirty (30) days after the date of the issuance of  
the order:

(A) Send copies of the findings and the order to the  
governmental agency; and

(B) Recommend to the governmental agency appropriate  
disciplinary action.



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2 15-62. Issuance of subsequent orders to same respondent -  
3 Forwarding of copies to attorney general. - If the commission  
4 issues an order against a respondent against whom another  
5 order was issued within the preceding five (5) years under  
6 section 15-59, the commission shall send a copy of each order  
7 issued under that section to the attorney general.

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Division 6. Enforcement by private persons

15-63. Filing of action by aggrieved person.

(A) An aggrieved person may file a civil action in the Allen Circuit Court or Allen Superior Court not later than one (1) year after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this Article, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

(B) The one (1) year period does not include any time during which an administrative hearing under this Article is pending with respect to a complaint or finding of reasonable cause under this Article based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.

(C) An aggrieved person may file an action under this Article whether or not a complaint has been filed under section 15-45 and without regard to the status of any complaint filed under section 15-45.

(D) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this Article with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

(E) An aggrieved person may not file an action under this Article with respect to an alleged discriminatory housing practice that forms the basis of a finding of reasonable cause issued by the commission if the commission has begun a hearing on the record under this Article with respect to the finding of reasonable cause.

15-64. Award of relief. - If the court finds that a discriminatory housing practice has occurred or is about to occur in an action under this Article, the court may award to the prevailing party the following:

- (1) Actual and punitive damages.
- (2) Reasonable attorney's fees.
- (3) Court costs.
- (4) Subject to section 15-65, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

15-65. Certain contracts, sales, encumbrances, or leases unaffected by relief granted. - Relief granted under this Article does not affect a contract, a sale, an encumbrance, or a lease that:

(A) Was consummated before the granting of the relief; and

(B) Involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this Article.



1  
2 15-66. Intervention by the commission.

3 (A) The commission may intervene in an action under this  
4 Article if the commission determines that the case is of  
5 general public importance.

6 (B) The commission may obtain the same relief available  
7 under section 15-64.

8  
9 Division 7. Enforcement by the commission

10 15-67. Filing of civil action. - The commission may file a  
11 civil action for appropriate relief if the commission has  
12 reasonable cause to believe that:

13 (A) A person has engaged in a pattern or practice of  
14 resistance to the full enjoyment of any right granted by this  
15 Article; or

16 (B) A person has been denied any right granted by this  
17 Article and that denial raises an issue of general public  
18 importance.

19 An action under this Article may be filed in a Allen Circuit  
20 Court or Allen Superior Court.

21 15-68. Award of relief. - In an action filed under section  
22 15-69, the court may do the following:

23 (A) Award preventive relief, including a permanent or  
24 temporary injunction, restraining order, or other order  
25 against the person responsible for a violation of this Article  
26 as necessary to ensure the full enjoyment of the rights  
27 granted by this Article.

28 (B) Award other appropriate relief, including monetary  
29 damages, reasonable attorney's fees, and court costs.

30 (C) To vindicate the public interest, assess a civil  
31 penalty against the respondent in an amount that does not  
32 exceed the following:

(1) Fifty thousand dollars (\$50,000) for a first  
violation.

(2) One hundred thousand dollars (\$100,000) for a  
second or subsequent violation.

33 15-69. Intervention in civil action. - A person may intervene  
34 in an action filed under section 15-67 if the person is:

35 (A) An aggrieved person to the discriminatory housing  
36 practice; or

37 (2) A party to a conciliation agreement concerning the  
38 discriminatory housing practice.

39 Division 8. Prevailing party

40 15-70. Attorney's fees and court costs. - A court in a civil  
41 action brought under this Article or the commission in an  
42 administrative hearing under section 15-58 may award  
43 reasonable attorney's fees to the prevailing party and assess  
44 court costs against the non-prevailing party.



Division 9. Offenses

15-71. Commission of a Class A misdemeanor. - A person commits a Class A misdemeanor if the person, whether or not acting under color of law, by force or threat of force intentionally intimidates or interferes with or attempts to intimidate or interfere with a person:

(A) Because of a person's race, color, religion, sex, handicap, familial status, or national origin and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental financing, or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Because the person is or has been, or to intimidate the person from:

(1) Participating, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A); or

(2) Affording another person opportunity or protection to participate in an activity, a service, an organization, or a facility described in subdivision (A); or

(3) Lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A).

SECTION 3. SEVERABILITY. If any provision or term of this Article is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Article which reasonably can be given effect without the invalid provision or term for the application thereof.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and its legal publication thereof.

*Clatus R Edmonds*

COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY.

Stanley A. Levine  
Legal Advisor to  
Fort Wayne Common Council



GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REVISING CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, ENTITLED "HUMAN RELATIONS," BY ADDING A NEW ARTICLE II. ENTITLED "FAIR HOUSING."

WHEREAS, Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, THAT:

SECTION 1. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana entitled "Human Relations" is hereby amended by repealing current Section 15-10 in its entirety and repealing current Section 15-11 in its entirety.

SECTION 2. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is further amended by adding a new Article II. entitled "Fair Housing" which contains the following language:

ARTICLE II. FAIR HOUSING

Division 1. PURPOSES AND RULES OF CONSTRUCTION

15-21. Purposes of Article. - The purposes of this Article are the following:

(A) To provide for fair housing practices within the City of Fort Wayne, Indiana.

(B) To create a procedure for investigating and conciliating complaints of discriminatory housing practices.

(C) To provide rights and remedies substantially equivalent to those granted under state and federal law.

15-22. Commission of discriminatory act because of familial status. - Under this Article, a discriminatory act is committed because of familial status if the act is committed because a person who is the subject of discrimination is:

(A) Pregnant;

(B) Domiciled with an individual younger than eighteen (18) years of age in regard to whom the person:

(1) Is the parent or legal custodian; or

(2) Has the written permission of the parent or legal custodian for domicile with that person; or

(C) In the process of obtaining legal custody of an individual younger than 18 years of age.

15-23. Definitions

Applicability. - The definitions in this section apply throughout this Article.

"Aggrieved person" defined. - "Aggrieved person" includes any person who:

(A) Claims to have been injured by a discriminatory housing practice; or

(B) Believes that the person will be injured by a discriminatory housing practice that is about to occur.



"Commission" defined. - "Commission" refers to the Fort Wayne Metropolitan Human Relations Commission.

"Complainant" defined. - "Complainant" means a person, including the commission, who files a complaint under section 15-45.

"Conciliation" defined. - "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the commission.

"Conciliation agreement" defined. - "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

"Discriminatory housing practice" defined. - "Discriminatory housing practice" means an act prohibited under Division 4 of this Article.

"Dwelling" defined. - "Dwelling" means:

(A) Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families; or

(B) Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by subdivision (A).

"Family" defined. - "Family" includes a single individual.

"Handicap" defined. -

(A) "Handicap" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one (1) or more of the person's major life activities;

(2) A record of having an impairment described in subdivision (A); or

(3) Being regarded as having an impairment described in subdivision (A).

(B) The term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(C) The term does not include an individual solely because that individual is a transvestite.

"Person" defined. - "Person" means one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11, receivers, and fiduciaries.

"Respondent" defined. - "Respondent" means:

(A) The person accused of a violation of this Article in a complaint of discriminatory housing practice; or

(B) Any person identified as an additional or a substitute respondent under 15-48 or an agent of an additional or a substitute respondent.

"To rent" defined. - "To rent" includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.



## Division 2. Exemptions

### 15-24. Sale or rental of single-family houses - Rooms or units in certain dwellings.

(A) Subject to subsection (C), section 15-37 does not apply to the following:

(1) The sale or rental of a single-family house sold or rented by an owner if:

(a) The owner does not:

(i) Own more than three (3) single-family houses at any one (1) time; or

(ii) Own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and

(b) The house was sold or rented without:

(i) The use of the sales or rental facilities or services of a real estate broker, an agent, or a salesman licensed under IC 25-34.1, or of an employee or agent of a licensed broker, an agent, or a salesman, or facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families; or

(ii) The publication, posting, or mailing of a notice, a statement, or an advertisement prohibited by section 15-38.

(B) (1) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.

(2) The exemption in subsection (A)(1) applies to only one (1) sale or rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.

15-25. Religious organizations - This Article does not prohibit a religious organization, an association, or a society or a nonprofit institution or an organization operated, supervised, or controlled by or in conjunction with a religious organization, an association, or a society from:

(A) Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(B) giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin.

15-26. Private Clubs. - This Article does not prohibit a private club not open to the public that, as an incident to the club's primary purpose, provides lodging that the club owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to the members or from giving preference to the members, unless membership in the club is restricted because of race, color, or national origin.



**15-27. Housing for older persons.**

(A) As used in this Article, "housing for older persons" means housing:

(1) That the commission determines is specifically designed and operated to assist elderly persons under federal or state program:

(2) Intended for and solely occupied by persons at least sixty-two (62) years of age; or

(3) Intended and operated for occupancy by at least one (1) person at least fifty-five (55) years of age in each unit as determined by this section.

(B) The provisions of section 15-22 relating to familial status do not apply to housing for older persons.

**15-28. Appraisals of property.** - This Article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, or national origin.

**15-29. Health or safety restrictions - Other laws not affected.**

(A) This Article does not affect a reasonable local, or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.

(B) This Article does not affect a requirement of nondiscrimination in any other local, state or federal law.

**Division 3. Administrative Provisions**

**15-30. Commission to administer article.** - The commission shall administer this Article.

**15-31. Adoptions of rules.** - The commission may adopt rules under IC 4-22-2 necessary to implement this article.

**15-32. Action on complaints alleging violation of Article.** - As provided by Section 15-45 the commission shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this Article.

**15-33. Delegation of powers and duties to executive director.** The commission may, by rule, authorize the executive director of the commission to exercise the commission's powers and perform the commission's duties under this Article.

**15-34. Cooperation with other entities.** - The commission shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.

**15-35. Subpoenas and discovery provisions.**

(A) The commission may issue subpoenas and order discovery as provided by this section in aid of investigations hearings under this Article.

(B) Subpoenas and discovery in aid of investigations may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in a circuit or superior court. Subpoenas and discovery in aid or hearings are subject to IC 4-21.5.

**15-36. Acceptance of gifts and grants.** The commission may accept gifts and grants from any public or private source for the purpose of administering this Article.



#### Division 4. Discrimination Prohibited

15-37. Discrimination in connection with sale or rental of dwellings prohibited - Exception as to persons convicted of illegal manufacture or distribution of controlled substance.

(A) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, handicap, or national origin.

(B) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, familial status, handicap, or national origin.

(C) This Article does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

15-38. Notices, statements, or advertising. - A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make such a preference, limitation, or discrimination.

15-39. Representations regarding availability of dwelling for inspection. - A person may not represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

15-40. Representations regarding entry of certain persons into neighborhood. - A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, handicap, familial status, or national origin.

15-41. Handicapped persons.

(A) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(1) The buyer or renter;

(2) A person residing in or intending to reside in the dwelling after the dwelling is sold, rented, or made available; or

(3) (a) Any person associated with the buyer or renter.

(b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:

(1) The person;

(2) a person residing in or intending to reside in the dwelling after the dwelling is sold, rented or made available; or

(3) any person associated with the person.



(c) For the purpose of this section only, discrimination includes the following:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises.

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations maybe necessary to afford the person equal opportunity to use and enjoy a dwelling.

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

(a) The public use and common use parts of the dwellings are readily accessible to and usable by handicapped persons;

(b) All the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) All premises within the dwellings contain the following features of adaptive design:

(i) An accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow later installations of grab bars; and

(iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(d) As used in subsection (c), "covered multifamily dwellings" means:

(i) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and

(ii) Ground floor units in other buildings consisting of four (4) or more units.

(e) Compliance with the rules of the fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI A117.1) satisfies the requirements of subsection (c)(3)(c).



(f) This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

**15-42. Loans or financial assistance.**

(A) As used in this Article, "residential real estate related transaction" means the following:

(1) Making or purchasing loans or providing other financial assistance:

(a) To purchase, construct, improve, repair, or maintain a dwelling; or

(b) To secure residential real estate.

(2) Selling, brokering, or appraising residential real property.

(B) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, handicap, familial status, or national origin.

**15-43. Brokers' organizations, services, or facilities.** - A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, handicap, familial status, or national origin.

**15-44. Coercion, intimidation, threats, or interference.** - A person may not coerce, intimidate, threaten, or interfere with any other person:

(1) In the exercise or enjoyment of any right granted or protected by this Article; or

(2) Because the person has exercised or enjoyed, or has encouraged another person in the exercise or enjoyment of, any right granted or protected by this Article.

**Division 5. Administrative Enforcement**

**15-45. Duty of commission to investigate discriminatory housing practices - Filing of complaint - Amendment - Notice.**

(A) The commission shall investigate alleged discriminatory housing practices.

(B) A complaint concerning an alleged discriminatory housing practice must be:

(1) In writing;

(2) Under oath; and

(3) In the form prescribed by the commission.

(C) An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the commission alleging the discriminatory housing practice.

(D) Not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, the commission may file the commission's own complaint.

(E) A complaint under this Article may be amended at any time.



(F) When a complaint is filed under this Article, the commission shall do the following:

(1) Give the aggrieved person notice that the complaint has been received.

(2) Advise the aggrieved person of the time limit and choice of forums under this Article.

(3) Not later than twenty (20) days after filing of the complaint or the identification of an additional respondent under 15-48 of this Article, serve on each respondent:

(a) A notice identifying the alleged discriminatory practice and advising the respondent of the procedural rights and obligations of a respondent under this Article; and

(b) A copy of the original complaint.

#### 15-46. Answer to complaint.

(A) Not later than ten (10) days after receipt of notice and a copy of the complaint under section 15-45(F)(3), a respondent shall file an answer to the complaint.

(B) An answer must be:

(1) In writing; and

(2) In the form prescribed by the commission.

(C) An answer may be amended at any time.

(D) An answer does not inhibit the investigation of a complaint.

#### 15-47. Investigation of complaints referred by federal government - Completion of investigation.

(A) If the federal government has referred a complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the commission shall promptly investigate the allegations set forth in the complaint.

(B) The commission shall investigate all complaints, filed under this Article and except as provided by subsection (C), shall complete an investigation not later than one hundred (100) days after the date the complaint is filed, or if the commission is unable to complete the investigation within the one hundred (100) day period, shall dispose of all administrative proceedings related to the investigation not later than one (1) year after the date the complaint is filed.

(C) If the commission is unable to complete an investigation within the time periods prescribed by subsection (B), the commission shall notify the complainant and the respondent in writing of the reasons for the delay.

#### 15-48. Joinder of additional or substitute respondents.

(A) The commission may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the commission determines that the person should be accused of a discriminatory housing practice.

(B) In addition to the information required in the notice under 15-45(F)(3) of this Article, the commission shall include in a notice to a respondent joined under this Article an explanation of the basis for determination that the person is properly joined as respondent.

#### 15-49. Conciliation Agreements.

(A) The commission shall, during the period beginning with the filing of a complaint, to the extent feasible, engage in conciliation with respect to the complaint.



(B) A conciliation agreement is an agreement between a respondent and the complainant and is subject to commission approval.

(C) A conciliation agreement may provide for binding arbitration or other methods of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.

(D) A conciliation agreement shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure is not necessary to further the purposes of this Article.

(E) Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under this Article without the written consent of the persons concerned.

(F) After completion of the commission's investigation, the commission shall make available to the aggrieved person and the respondent, information derived from the investigation and the final investigation report relating to that investigation.

#### 15-50. Action for temporary or preliminary relief.

(A) If the commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this Article, the commission may file a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint in the Allen Circuit Court or Allen Superior Court.

(B) A temporary restraining order or other order granting temporary or preliminary relief under this Article is governed by the Indiana Rules of Trial Procedure.

(C) The filing of a civil action under this Article does not affect the initiation or continuation of administrative proceedings under section 15-58.

#### 15-51. Final investigative report.

(A) The commission shall prepare a final investigative report showing the following:

(1) The names and dates of contacts with witnesses.

(2) A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts.

(3) A summary description of other pertinent records.

(4) A summary of witness statements.

(5) Answers to interrogatories.

(B) A final report under this Article may be amended if additional evidence is discovered.

#### 15-52. Determination of reasonable cause.

(A) The commission shall determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

(B) The commission shall make the determination under subsection (A) not later than one hundred (100) days after the date a complaint is filed unless:

(1) It is impracticable to make the determination; or

(2) The commission has approved a conciliation agreement relating to the complaint.

(C) If it is impracticable to make the determination within the time period provided by subsection (B), the commission shall notify the complainant and respondent in writing of the reasons for the delay.



1 (D) If the commission determines that reasonable cause  
2 exists to believe that a discriminatory housing practice has  
3 occurred or is about to occur, the commission shall  
4 immediately issue a finding of reasonable cause on behalf of  
5 the aggrieved person.

6  
7 **15-53. Finding of reasonable cause - Contents.**

8 (A) A finding of reasonable cause issued under section  
9 15-52:

10 (1) Must consist of a concise statement on which  
11 the commission has found reasonable cause to  
12 believe that a discriminatory housing practice has  
13 occurred or is about to occur;

14 (2) Must be based on the final investigative  
15 report; and

16 (3) Need not be limited to the facts or grounds  
17 alleged in the complaint.

18 (B) Not later than twenty (20) days after the commission  
19 issues a finding of reasonable cause, the commission shall  
20 send a copy of the finding of reasonable cause with  
21 information concerning the election under section 15-56 to the  
22 following:

23 (1) Each respondent, together with a notice of the  
24 opportunity for a hearing provided by section 15-  
25 58.

26 (2) Each aggrieved person on whose behalf the  
27 complaint was filed.

28  
29 **15-54. Dismissal of complaint.**

30 (A) If the commission determines that no reasonable  
31 cause exists to believe that a discriminatory housing practice  
32 has occurred or is about to occur, the commission shall  
promptly dismiss the complaint.

(B) The commission shall make available for public  
disclosure each dismissal under this Article.

**15-55. Finding of reasonable cause precluded after  
commencement of civil actions.** - The commission may not issue  
a finding of reasonable cause under this Article regarding an  
alleged discriminatory housing practice after the beginning of  
the trial of a civil action commenced by the aggrieved party  
under federal or state law seeking relief with respect to that  
discriminatory housing practice.

**15-56. Election to have claims decided in civil action.**

(A) A complainant, a respondent, or an aggrieved person  
on whose behalf the complaint was filed may elect to have the  
claims asserted in a finding of reasonable cause decided in  
civil action as provided by section 15-57.

(B) The election must be made not later than twenty (20)  
days after the date of receipt by the electing person of  
service under section 15-53(B) or, in the case of the  
commission, not later than twenty (20) days after the date the  
finding of reasonable cause was issued.

(C) The person making the election shall give notice to  
the commission and to all other complainants and respondents  
to whom the finding of reasonable cause relates.

**15-57. Filing of civil action - Intervention by aggrieved  
persons - Granting of relief.**

(A) If a timely election is made under Section 15-57  
[this section], the commission shall, not later than thirty  
(30) days after the election is made, file a civil action on  
behalf of the aggrieved person seeking relief under this  
Article in a Allen Circuit Court or Allen Superior Court.

(B) An aggrieved person may intervene in the action.



1 (C) If the court finds that a discriminatory practice  
2 has occurred or is about to occur, the court may grant as  
3 relief any relief that a court may grant in a civil action  
4 under 15-64.

5 (D) If monetary relief is sought for the benefit of an  
6 aggrieved person who does not intervene in the civil action,  
7 the court may not award the monetary relief if that aggrieved  
8 person has not complied with discovery orders entered by the  
9 court.

#### 10 15-58. Hearing.

11 (A) If a timely election is not made under section 15-56,  
12 the commission shall provide for a hearing on the finding of  
13 reasonable cause.

14 (B) Except as provided by subsection (C), IC 4-21.5  
15 governs a hearing and appeal of a hearing under this Article.

16 (C) A hearing under this Article may not continue  
17 regarding any alleged discriminatory housing practice after  
18 the beginning of the trial of a civil action commenced by the  
19 aggrieved person under federal or state law seeking relief  
20 with respect to that discriminatory housing practice.

#### 21 15-59. Order for appropriate relief - Penalties.

22 (A) If the commission determines at a hearing under  
23 section 15-58 a respondent has engaged or is about to engage  
24 in a discriminatory housing practice, the commission may order  
25 the appropriate relief, including actual damages, reasonable  
26 attorney's fees, court costs, and other injunctive or  
27 equitable relief.

28 (B) To vindicate the public interest, the commission may  
29 assess a civil penalty against the respondent in an amount  
30 that does not exceed the following:

31 (1) Ten thousand dollars (\$10,000) if the  
32 respondent has not been adjudged by order of the  
commission or a court to have committed a prior  
discriminatory housing practice.

(2) Except as provided by subsection (C), twenty-  
five thousand dollars (\$25,000) if the respondent  
has been adjudged by order of the commission or  
court to have committed one (1) discriminatory  
housing practice during the five (5) year period  
ending on the date of the filing of the finding of  
reasonable cause.

(3) Except as provided by subsection (C), fifty  
thousand dollars (\$50,000) if the respondent has  
been adjudged by order of the commission or a court  
to have committed two (2) or more discriminatory  
housing practices during the seven (7) year period  
ending on the date of the filing of the finding of  
reasonable cause.

(C) If the acts constituting the discriminatory housing  
practice that is the object of the finding of reasonable cause  
are committed by the same individual who has been previously  
adjudged to have committed acts constituting a discriminatory  
housing practice, the civil penalties in subsection (B)(2) and  
(B)(3) may be imposed without regard to the period of time  
within which any other discriminatory housing practice  
occurred.

(D) The commission may sue to recover a civil penalty  
due under this Article.



15-60. Certain contracts, sales, encumbrances, or leases unaffected by order. - A commission order under section 15-59 does not affect a contract, a sale, an encumbrance, or a lease that:

(A) Was consummated before the commission issued the order; and

(B) Involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the finding of reasonable cause filed under this Article.

15-61. Respondents subject to licensing or regulation by governmental agencies - Forwarding of findings, orders, and recommendations to agencies. - If the commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to licensing or regulation by a governmental agency, the commission shall, not later than thirty (30) days after the date of the issuance of the order:

(A) Send copies of the findings and the order to the governmental agency; and

(B) Recommend to the governmental agency appropriate disciplinary action.

15-62. Issuance of subsequent orders to same respondent - Forwarding of copies to attorney general. - If the commission issues an order against a respondent against whom another order was issued within the preceding five (5) years under section 15-59, the commission shall send a copy of each order issued under that section to the attorney general.

#### Division 6. Enforcement by private persons

15-63. Filing of action by aggrieved person.

(A) An aggrieved person may file a civil action in the Allen Circuit Court or Allen Superior Court not later than one (1) year after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this Article, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

(B) The one (1) year period does not include any time during which an administrative hearing under this Article is pending with respect to a complaint or finding of reasonable cause under this Article based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.

(C) An aggrieved person may file an action under this Article whether or not a complaint has been filed under section 15-45 and without regard to the status of any complaint filed under section 15-45.

(D) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this Article with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

(E) An aggrieved person may not file an action under this Article with respect to an alleged discriminatory housing practice that forms the basis of a finding of reasonable cause issued by the commission if the commission has begun a hearing on the record under this Article with respect to the finding of reasonable cause.

15-64. Award of relief. - If the court finds that a discriminatory housing practice has occurred or is about to occur in an action under this Article, the court may award to the prevailing party the following:

(1) Actual and punitive damages.



(2) Reasonable attorney's fees.

(3) Court costs.

(4) Subject to section 15-65, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

15-65. Certain contracts, sales, encumbrances, or leases unaffected by relief granted. - Relief granted under this Article does not affect a contract, a sale, an encumbrance, or a lease that:

(A) Was consummated before the granting of the relief; and

(B) Involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this Article.

15-66. Intervention by the commission.

(A) The commission may intervene in an action under this Article if the commission determines that the case is of general public importance.

(B) The commission may obtain the same relief available under section 15-64.

#### Division 7. Fair Housing Fund

15-67. Establishment and administration of fund. - The fair housing fund (referred to in this Article as "the fund") is established. The fund shall be administered by the commission.

15-68. Use of money deposited. - Money deposited in the fund may be used only for administering this Article. Money in the fund does not revert to the City of Fort Wayne's general fund at the end the City of Fort Wayne's fiscal year.

15-69. Deposit of gifts and grants. - Gifts and grants received as authorized by section 15-36 shall be deposited to the credit of the fund.

#### Division 8. Enforcement by the commission

15-70. Filing of civil action. - The commission may file a civil action for appropriate relief if the commission has reasonable cause to believe that:

(A) A person has engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this Article; or

(B) A person has been denied any right granted by this Article and that denial raises an issue of general public importance.

An action under this Article may be filed in a Allen Circuit Court or Allen Superior Court.

15-71. Award of relief. - In an action filed under section 15-70, the court may do the following:

(A) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this Article as necessary to ensure the full enjoyment of the rights granted by this Article.

(B) Award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs.



(C) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:

(1) Fifty thousand dollars (\$50,000) for a first violation.

(2) One hundred thousand dollars (\$100,000) for a second or subsequent violation.

15-72. Intervention in civil action. - A person may intervene in an action filed under section 15-70 if the person is:

(A) An aggrieved person to the discriminatory housing practice; or

(2) A party to a conciliation agreement concerning the discriminatory housing practice.

#### Division 9. Prevailing party

15-73. Attorney's fees and court costs. - A court in a civil action brought under this Article or the commission in an administrative hearing under section 15-58 may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party.

#### Division 10. Offenses

15-74. Commission of a Class A misdemeanor. - A person commits a Class A misdemeanor if the person, whether or not acting under color of law, by force or threat of force intentionally intimidates or interferes with or attempts to intimidate or interfere with a person:

(A) Because of a person's race, color, religion, sex, handicap, familial status, or national origin and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental financing, or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Because the person is or has been, or to intimidate the person from:

(1) Participating, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A); or

(2) Affording another person opportunity or protection to participate in an activity, a service, an organization, or a facility described in subdivision (A); or

(3) Lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A).

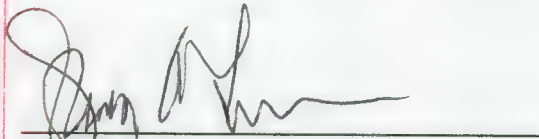
SECTION 3. SEVERABILITY. If any provision or term of this Article is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Article which reasonably can be given effect without the invalid provision or term for the application thereof.



SECTION 4. This Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and its legal publication thereof.

  
COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY.

  
Stanley A. Levine  
Legal Advisor to  
Common Council



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by \_\_\_\_\_ title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8	1		
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT		✓		
TALARICO	✓			

DATED: 7-14-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_ (SPECIAL) \_\_\_\_\_ (ZONING) \_\_\_\_\_ ORDINANCE RESOLUTION NO. 9-33-92 on the 14th day of July, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1992, at the hour of 11:00 o'clock 4. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July, 1992, at the hour of 1:30 o'clock 1 M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



Read the first time in full and on motion by Henry, seconded by Quadd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 11-26-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
PASSED      LOST    by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: \_\_\_\_\_

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as      (ANNEXATION)      (APPROPRIATION)      (GENERAL)  
(SPECIAL)      (ZONING MAP)      ORDINANCE      RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
PAUL HELMKE, MAYOR



BILL NO. G-91-11-65 (AS AMENDED)

REPORT OF THE COMMITTEE ON  
THE COMMITTEE OF THE WHOLE

DONALD J. SCHMIDT, CHAIR  
CLETUS R. EDMONDS, VICE CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON THE COMMITTEE OF THE WHOLE TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA REVISING CHAPTER 15 OF THE MUNICIPAL  
CODE OF THE CITY OF FORT WAYNE, ENTITLED "HUMAN RELATIONS," BY  
ADDING A NEW ARTICLE II. ENTITLED "FAIR HOUSING"

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Cletus R. Edmonds*

*Don J. Schmidt*

*Thomas E. Henry*

*Mark C. [unclear]*

*Samuel J. [unclear]*

*[unclear]*

*[unclear]*

DATED: 7-14-92.

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

July 21, 1992

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of  
July 24 and July 31, 1992, in both the News Sentinel and  
Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-91-11-65 (as amended)  
General Ordinance No. G-33-92  
Fair Housing

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



LEGAL NOTICE

Notice is hereby given that on the 14th day of  
July, 1992, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. G-91-11-65 (as amended) -- General  
Ordinance No. G-33-92 to-wit:

BILL NO. G-91-11-65 (AS AMENDED)

GENERAL ORDINANCE NO. G-33-92

AN ORDINANCE OF THE COMMON  
COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA REVISING CHAPTER  
15 OF THE MUNICIPAL CODE OF THE  
CITY OF FORT WAYNE, ENTITLED  
"HUMAN RELATIONS," BY ADDING A  
NEW ARTICLE II. ENTITLED "FAIR  
HOUSING."

WHEREAS, Chapter 15 of the Municipal Code of the City of  
Fort Wayne, Indiana is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, THAT:

SECTION 1. Chapter 15 of the Municipal Code of the City  
of Fort Wayne, Indiana entitled "Human Relations" is hereby  
amended by repealing current Section 15-10 in its entirety and  
repealing current Section 15-11 in its entirety.

SECTION 2. Chapter 15 of the Municipal Code of the City  
of Fort Wayne, Indiana is further amended by adding a new  
Article II. entitled "Fair Housing" which contains the  
following language:

ARTICLE II. FAIR HOUSING

Division 1. PURPOSES AND RULES OF CONSTRUCTION

15-21. **Purposes of Article.** - The purposes of this Article  
are the following:

(A) To provide for fair housing practices within the  
City of Fort Wayne, Indiana.

(B) To create a procedure for investigating and  
conciliating complaints of discriminatory housing practices.

(C) To provide rights and remedies substantially  
equivalent to those granted under state and federal law.

15-22. **Commission of discriminatory act because of familial  
status.** - Under this Article, a discriminatory act is  
committed because of familial status if the act is committed  
because a person who is the subject of discrimination is:

(A) Pregnant;

(B) Domiciled with an individual younger than eighteen  
(18) years of age in regard to whom the person:

(1) Is the parent or legal custodian; or

(2) Has the written permission of the parent or  
legal custodian for domicile with that person; or

(C) In the process of obtaining legal custody of an  
individual younger than 18 years of age.



Read the third time in full and on motion by Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight  
Bradbury, Edmonds, GiaQuinta, Henry, Long,  
Lunsey, Ravine, Talarico  
Nays: One  
Schmidt  
Abstained: None  
Absent: None

DATED: 7-14-92  
Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-33-92 on the 14th day of July, 1992.

ATTEST: SEAL  
Sandra E. Kennedy  
City Clerk  
Thomas C. Henry  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1992, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 15th day of July, 1992, at the hour of 1:30 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of \_\_\_\_\_ General \_\_\_\_\_ Ordinance No. G-33-92, passed by the Common Council on the 14th day of July, 19 92, and that said Ordinance was duly signed and approved by the Mayor on the 15th day of July, 19 92, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 15th day of July, 19 92.

SEAL  
  
SANDRA E. KENNEDY, CITY CLERK



# Fort Wayne Newspapers, Inc.

AGENT: NEWS PUBLISHING CO.  
JOURNAL-GAZETTE CO.

600 W. MAIN ST. - P.O. BOX 100  
FORT WAYNE, INDIANA 46801-0100

MAKE CHECKS PAYABLE TO:  
Fort Wayne Newspapers, Inc.

AIN823E

## LEGAL INVOICE

ACCOUNT #	STATEMENT DATE
60008	8/14/92

FT WAYNE NEWSPAPERS INC  
BOX 100  
600 W. MAIN ST.  
FT WAYNE IN, 46801-0100

TERMS--CASH

AMT DUE
948.46

FORT WAYNE COMMON COUNCIL  
ROOM 122 CITY COUNTY BLDG.  
ONE MAIN STREET  
FORT WAYNE IN 46802-1804

INVOICE NO.	COST
IF87884	948.46

AMT PAID

CHECK NO.

5000 2000

Please Return Top Portion With Payment

### PUBLICATION OF LEGAL NOTICES

DATE	INVOICE NO.	DESCRIPTION	LINES SPT.	RATE	
7/24/928/1/92	IF87884	JOURNAL GAZETTE GEN ORD G-33-92 2 ADDITIONAL COPIES	159.00	2.970	472.23 2.00
		NEWS SENTINEL GEN ORD G-33-92 2 ADDITIONAL COPIES	159.00	2.970	472.23 2.00

FORT WAYNE, IND.  
RECEIVED

AUG 17 1992

SANDRA E. KENNEDY  
CITY CLERK

*Sent to  
Bill  
Aug 17*

CUSTOMER ACCOUNT #

60008  
FORT WAYNE COMMON COUNCIL  
8/14/92

948.46  
TOTAL  
AMT DUE

IF YOU HAVE ANY QUESTIONS, PLEASE CALL: (219) 461-8438

LEGAL INVOICE



FW Common Council  
(Governmental Unit)

Allen County, Indiana

To: The Journal-Gazette  
P.O. Box 100  
Fort Wayne, IN

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

159 lines, 6 columns wide equals 954 equivalent lines  
at .495 cents per line

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 472.23

\$ 474.23

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Cindy Gillenwater

Clerk

Date: August 1, 19 92

Title:

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

ATTACH COPY  
OF ADVERTISEMENT  
HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 7/24/92 8/1/92, the dates of publication being as follows:

Cindy Gillenwater

Subscribed and sworn to before me this 1st day of August, 19 92

Shelley R. Larue

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994



FW Common Council  
(Governmental Unit)

To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines  
Head -- number of lines  
Body -- number of lines  
Tail -- number of lines  
Total number of lines in notice

COMPUTATION OF CHARGES

159 lines, 6 columns wide equals 954 equivalent lines  
at .495 cents per line \$ 472.23  
Additional charge for notices containing rule or tabular work  
(50 percent of above amount)  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 2.00  
TOTAL AMOUNT OF CLAIM \$ 474.23

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 2  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: August 1, 19 92 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

ATTACH COPY  
OF ADVERTISEMENT  
HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

7/24/92 8/1/92  
Cindy Gillenwater  
Subscribed and sworn to before me this 1st day of August, 19 92

Notary Public Whitley County, IN  
SHELLEY R. LARUE  
My commission expires: March 3, 1994



Notice is hereby given that on the 14th day of July, 1992, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-91-11-65 (as amended) - General Ordinance No. G-33-92 to-wit:

BILL NO. G-91-11-65 (AS AMENDED)

GENERAL ORDINANCE NO. G-33-92  
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REVISING CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, ENTITLED HUMAN RELATIONS, BY ADDING A NEW ARTICLE II, ENTITLED FAIR HOUSING.

WHEREAS, Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision. NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, THAT:

SECTION 1. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana entitled Human Relations is hereby amended by repealing current Section 15-10 in its entirety and repealing current Section 15-11 in its entirety.

SECTION 2. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is further amended by adding a new Article II, entitled Fair Housing which contains the following language:

ARTICLE II. FAIR HOUSING  
Division 1. PURPOSES AND RULES OF CONSTRUCTION

15-21. Purposes of Article. - The purposes of this Article are the following:

- (A) To provide for fair housing practices within the City of Fort Wayne, Indiana.
- (B) To create a procedure for investigating and conciliating complaints of discriminatory housing practices.
- (C) To provide rights and remedies substantially equivalent to those granted under state and federal law.

15-22. Commission of discriminatory act because of familial status. - Under this Article, a discriminatory act is committed because of familial status if the act is committed because a person who is the subject of discrimination is:

- (A) Pregnant;
- (B) Domiciled with an individual younger than eighteen (18) years of age in regard to whom the person:
- (1) Is the parent or legal custodian; or
- (2) Has the written permission of the parent or legal custodian for domicile with that person; or
- (C) In the process of obtaining legal custody of an individual younger than 18 years of age.

15-23. Definitions. - The definitions in this section apply throughout this Article.

Aggrieved person defined. - Aggrieved person includes any person who:

- (A) Claims to have been injured by a discriminatory housing practice; or
  - (B) Believes that the person will be injured by a discriminatory housing practice that is about to occur.
- Commission defined. - Commission refers to the Fort Wayne Metropolitan Human Relations Commission.
- Complainant defined. - Complainant means a person, including the commission, who files a complaint under section 15-45.

Conciliation defined. - Conciliation means the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the commission.

Conciliation agreement defined. - Conciliation agreement means a written agreement setting forth the resolution of the issues in conciliation.

Discriminatory housing practice defined. - Discriminatory housing practice means an act prohibited under Division 4 of this Article.

Dwelling defined. - Dwelling means:

- (A) Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families; or
- (B) Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by subdivision (A).

Family defined. - Family includes a single individual.

Handicap defined.

- (A) Handicap means, with respect to a person:
- (1) A physical or mental impairment that substantially limits one (1) or more of the person's major life activities;
- (2) A record of having an impairment described in subdivision (A); or
- (3) Being regarded as having an impairment described in subdivision (A).

(B) The term does not include current illegal use of or addition to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(C) The term does not include an individual solely because that individual is a transvestite. Person defined. - Person means one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11, receivers, and fiduciaries.

Respondent defined. - Respondent means:

- (A) The person accused of a violation of this Article in a complaint of discriminatory housing practice; or
- (B) Any person identified as an additional or a substitute respondent under 15-48 or an agent of an additional or a substitute respondent.

To rent defined. - To rent includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the person.

(2) The exemption in subsection (A) (1) applies to only one (1) sale or rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.

15-25. Religious organizations. - This Article does not prohibit a religious organization, an association, or a society or a nonprofit institution or an organization operated, supervised, or controlled by or in conjunction with a religious organization, an association, or a society from:

(A) Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(B) Giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin.

15-26. Private Clubs. - This Article does not prohibit a private club not open to the public that, as an incident to the club's primary purpose, provides lodging that the club owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to the members or from giving preference to the members, unless membership in the club is restricted because of race, color, or national origin.

15-27. Housing for older persons.

(A) As used in this Article, housing for older persons means housing that the commission determines is:

- (1) Specifically designed and operated to assist elderly persons under federal or state program;
- (2) Intended for and solely occupied by persons at least sixty-two (62) years of age; or
- (3) Intended and operated for occupancy by at least one (1) person at least fifty-five (55) years of age in each unit.

(B) Housing that includes units that are unoccupied or that are occupied by persons who do not meet the age requirement of subsection (A) (2) or (A) (3) does not fail to meet the requirements for housing older persons if:

- (1) The unoccupied units are reserved for persons who meet the age requirements of subsection (A) (2) or (A) (3); or
- (2) The occupants who do not meet the age requirements of subsection (A) (2) or (A) (3) have resided in the housing since September 13, 1988 or an earlier date, and the persons who became occupants after September 13, 1988, meet the age requirements of subsection (A) (2) or (A) (3).

(C) The Commission shall adopt rules under I.C. 4-22-2 to establish criteria for matching determinations under subsection (A). These rules must include at least the following provisions:

- (1) Except as provided in subsection (2), the housing must provide significant facilities and services specifically designed to meet the physical or social needs of older persons.
- (2) If the provision of the facilities and services described in subsection (1) is not practicable, the housing must be necessary to provide important housing opportunities for older persons.
- (3) At least eighty percent (80%) of the units must be occupied by at least one (1) person who is at least fifty-five (55) years of age.

(4) The owner or manager of the housing must publish and adhere to provide housing for persons who are at least fifty-five (55) years of age.

(D) The provisions of section 15-22 relating to familial status do not apply to housing for older persons.

15-28. Appraisal of property. - This Article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, or national origin.

15-29. Health or safety restrictions. - Other than not affected.

(A) This Article does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.

(B) This Article does not affect a requirement of nondiscrimination in any other local, state or federal law.

Division 3. Administrative Provisions

15-30. Commission to administer article. - The commission shall administer this Article.

15-31. Adoptions of rules. - The commission may adopt rules under I.C. 4-22-2 necessary to implement this article.

15-32. Action on complaints alleging violation of Article. - As provided by Section 15-45 the commission shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this Article.

15-33. Delegation of powers and duties to executive director. The commission may, by rule, authorize the executive director of the commission to exercise the commission's powers and perform the commission's duties under this Article.

15-34. Cooperation with other entities. - The commission shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.

15-35. Subpoenas and discovery provisions.

(A) The commission may issue subpoenas and order discovery as provided by this section in aid of investigations hearings under this Article.

(B) Subpoenas and discovery in aid of investigation

or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make such a preference, limitation, or discrimination.

15-39. Representations regarding availability of dwelling for inspection. - A person may not represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

15-40. Representations regarding entry of certain persons into neighborhood. - A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, handicap, familial status, or national origin.

15-41. Handicapped persons.

(A) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

- (1) The buyer or renter;
- (2) A person residing in or intending to reside in the dwelling after the dwelling is sold, rented, or made available; or
- (3) Any person associated with the buyer or renter.

(b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:

- (1) The person;
- (2) A person residing in or intending to reside in the dwelling after the dwelling is sold, rented or made available; or
- (3) Any person associated with the person.

(c) For the purpose of this section only, discrimination includes the following:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises.

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

- (i) The public use and common use parts of the dwellings are readily accessible to and usable by handicapped persons;
- (ii) All the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- (iii) All premises within the dwellings contain the following features of adaptive design:

(i) An accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) Reinforcements in bathroom walls to allow later installations of grab bars; and (iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(d) As used in subsection (c), covered multifamily dwellings means:

- (i) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and
- (ii) Ground floor units in other buildings consisting of four (4) or more units.

(e) Compliance with the rules of the fire prevention

regulations that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI A117.1) satisfies the requirements of subsection (c) (3) (i).

(f) This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

15-42. Loans or financial assistance.

(A) As used in this Article, residential real estate related transaction means the following:

- (1) Making or purchasing loans or providing other financial assistance;
- (2) To purchase, construct, improve, repair, or maintain a dwelling; or (b) To secure residential real estate.

(3) Selling, brokering, or appraising residential real property.

(B) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, handicap, familial status, or national origin.

15-43. Brokers' organizations, services, or facilities. A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex



plaint has been received.

2) Advise the aggrieved person of the time limit and choice of forums under this Article.

3) Not later than twenty (20) days after filing of the complaint or the identification of an additional respondent under 15-48 of this Article, serve on each respondent:

a) A notice identifying the alleged discriminatory practice and advising the respondent of the procedural rights and obligations of a respondent under this Article; and

b) A copy of the original complaint.

5-46. Answer to complaint.

A) Not later than ten (10) days after receipt of notice and a copy of the complaint under section 5-45 (F) (3), a respondent shall file an answer to the complaint.

B) An answer must be:

1) In writing; and

2) In the form prescribed by the commission.

C) An answer may be amended at any time.

D) An answer does not inhibit the investigation of a complaint.

5-47. Investigation of complaints referred by federal government - Completion of investigation.

A) If the federal government has referred a complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the commission shall promptly investigate the allegations set forth in the complaint.

B) The commission shall investigate all complaints, filed under this Article and except as provided by subsection (C), shall complete an investigation not later than one hundred (100) days after the date the complaint is filed, or if the commission is unable to complete the investigation within the one hundred (100) day period, shall dispose of all administrative proceedings related to the investigation not later than one (1) year after the date the complaint is filed.

C) If the commission is unable to complete an investigation within the time periods prescribed by subsection (B), the commission shall notify the complainant and the respondent in writing of the reasons for the delay.

5-48. Joinder of additional or substitute respondents. (A) The commission may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the commission determines that the person should be added as a discriminatory housing practice.

(B) In addition to the information required in the notice under 15-45 (F) (3) of this Article, the commission shall include in a notice to a respondent joined under this Article an explanation of the basis for determining that the person is properly joined as respondent.

5-49. Conciliation Agreements.

(A) The commission shall, during the period beginning with the filing of a complaint, to the extent feasible, engage in conciliation with respect to the complaint.

(B) A conciliation agreement is an agreement between a respondent and the complainant and is subject to commission approval.

(C) A conciliation agreement may provide for binding arbitration or other methods of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.

(D) A conciliation agreement shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure is not necessary to further the purposes of this Article.

(E) Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under this Article without the written consent of the persons concerned. (F) After completion of the commission's investigation, the commission shall make available to the aggrieved person and the respondent, information derived from the investigation and the final investigation report relating to that investigation.

5-50. Action for temporary or preliminary relief.

(A) If the commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this Article, the commission may file a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint in the Allen Circuit Court or Allen Superior Court.

(B) A temporary restraining order or other order granting temporary or preliminary relief under this Article is governed by the Indiana Rules of Trial Procedure.

(C) The filing of a civil action under this Article does not affect the initiation or continuation of administrative proceedings under section 15-58.

5-51. Final investigative report.

(A) The commission shall prepare a final investigative report showing the following:

1) The names and dates of contacts with witnesses.

2) A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts.

3) A summary description of other pertinent records.

4) A summary of witness statements.

5) Answers to interrogatories.

6) A final report under this Article may be amended if additional evidence is discovered.

5-52. Determination of reasonable cause.

(A) The commission shall determine based on the facts whether reasonable cause exists to believe that discriminatory housing practice has occurred or is about to occur.

(B) The commission shall make the determination under subsection (A) not later than one hundred (100) days after the date a complaint is filed unless:

plaint.

(B) The commission shall make available for public disclosure each dismissal under this Article.

15-55. Finding of reasonable cause precluded after commencement of civil actions. - The commission may not issue a finding of reasonable cause under this Article regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.

15-56. Election to have claims decided in civil action. (A) A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of reasonable cause decided in civil action as provided by section 15-57.

(B) The election must be made not later than twenty (20) days after the date of receipt by the electing person of service under section 15-53 (B) or, in the case of the commission, not later than twenty (20) days after the date the finding of reasonable cause was issued.

(C) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the finding of reasonable cause relates.

15-57. Filing of civil action - Intervention by aggrieved persons - Granting of relief.

(A) If a timely election is made under Section 15-57 this section, the commission shall, not later than thirty (30) days after the election is made, file a civil action on behalf of the aggrieved person seeking relief under this Article in an Allen Circuit Court or Allen Superior Court.

(B) An aggrieved person may intervene in the action.

(C) If the court finds that a discriminatory practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under 15-64.

(D) If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

15-58. Hearing.

(A) If a timely election is not made under section 15-56, the commission shall provide for a hearing on the finding of reasonable cause.

(B) Except as provided by subsection (C), I.C. 4-21.5 governs a hearing and appeal of a hearing under this Article.

(C) A hearing under this Article may not continue regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing practice.

15-59. Order for appropriate relief - Penalties.

(A) If the commission determines at a hearing under section 15-58 a respondent has engaged or is about to engage in a discriminatory housing practice, the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief.

(B) To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed the following:

(1) Ten thousand dollars (\$10,000) if the respondent has not been adjudged by order of the commission or a court to have committed a prior discriminatory housing practice.

(2) Except as provided by subsection (C), twenty-five thousand dollars (\$25,000) if the respondent has been adjudged by order of the commission or a court to have committed one (1) discriminatory housing practice during the five (5) year period ending on the date of the filing of the finding of reasonable cause.

(3) Except as provided by subsection (C), fifty thousand dollars (\$50,000) if the respondent has been adjudged by order of the commission or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of the filing of the finding of reasonable cause.

(C) If the acts constituting the discriminatory housing practice that is the object of the finding of reasonable cause are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in subsection (B) (2) and (B) (3) may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.

(D) The commission may sue to recover a civil penalty due under this Article.

15-60. Certain contracts, sales, encumbrances, or leases unaffected by order. - A commission order under section 15-59 does not affect a contract, a sale, an encumbrance, or a lease that:

(A) Was consummated before the commission issued the order; and

(B) Involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the finding of reasonable cause filed under this Article.

15-61. Respondents subject to licensing or regulation by governmental agencies - Forwarding of findings, orders, and recommendations to agencies. - If the commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to licensing or regulation by a governmental agency, the commission shall, not later than thirty (30) days after the date of the issuance of the order:

(A) Send copies of the findings and the order to the governmental agency; and

(B) Recommend to the governmental agency appropriate disciplinary action.

15-62. Issuance of subsequent orders to same respondent - Forwarding of copies to attorney general.

The commission has hearing on the record under this Article with respect to the finding of reasonable cause.

15-64. Award of relief. - If the court finds that a discriminatory housing practice has occurred or is about to occur in an action under this Article, the court may award to the prevailing party the following:

(1) Actual and punitive damages.

(2) Reasonable attorney's fees.

(3) Court costs.

(4) Subject to section 15-65, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

15-65. Certain contracts, sales, encumbrances, or leases unaffected by relief granted. - Relief granted under this Article does not affect a contract, a sale, an encumbrance, or a lease that:

(A) Was consummated before the granting of the relief; and

(B) Involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this Article.

15-66. Intervention by the commission.

(A) The commission may intervene in an action under this Article if the commission determines that the case is of general public importance.

(B) The commission may obtain the same relief available under section 15-64.

Division 7. Enforcement by the commission

15-67. Filing of civil action. - The commission may file a civil action for appropriate relief if the commission has reasonable cause to believe that:

(A) A person has engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this Article; or

(B) A person has been denied any right granted by this Article and that denial raises an issue of general public importance.

An action under this Article may be filed in an Allen Circuit Court or Allen Superior Court.

15-68. Award of relief. - In an action filed under section 15-69, the court may do the following:

(A) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this Article as necessary to ensure the full enjoyment of the rights granted by this Article.

(B) Award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs.

(C) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:

(1) Fifty thousand dollars (\$50,000) for a first violation.

(2) One hundred thousand dollars (\$100,000) for a second or subsequent violation.

15-69. Intervention in civil action. - A person may intervene in an action filed under section 15-67 if the person is:

(A) An aggrieved person to the discriminatory housing practice; or

(2) A party to a conciliation agreement concerning the discriminatory housing practice.

Division 8. Prevailing party

15-70. Attorney's fees and court costs. - A court in a civil action brought under this Article or the commission in an administrative hearing under section 15-58 may award reasonable attorney's fees to the prevailing party and assess court costs against the non-prevailing party.

Division 9. Offenses

15-71. Commission of a Class A misdemeanor. - A person commits a Class A misdemeanor if the person, whether or not acting under color of law, by force or threat of force intentionally intimidates or interferes with or attempts to intimidate or interfere with a person:

(A) Because of a person's race, color, religion, sex, handicap, familial status, or national origin and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental financing, or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Because the person is or has been, or to intimidate the person from:

(1) Participating, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A); or

(2) Affording another person opportunity or protection to participate in an activity, a service, an organization, or a facility described in subdivision (A); or

(3) Lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A).

SECTION 3. SEVERABILITY. If any provision or term of this Article is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Article which reasonably can be given effect without the invalid provision or term for the application thereof.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and its legal publication thereof.

Cletus R. Edmonds  
COUNCILMEMBER

Read the third time in full and on motion by Schmidt, and duly adopted, placed on its passage. PASSED

by the following vote:

Ayes: Eight

Bradbury, Edmonds, GiaQuinta, Henry, Long,



Notice is hereby given that on the 14th day of July, 1992, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-91-11-65 (as amended) -- General Ordinance No. G-33-92 to-wit:

BILL NO. G-91-11-65 (AS AMENDED)  
GENERAL ORDINANCE NO. G-33-92

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REVISING CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, ENTITLED HUMAN RELATIONS, BY ADDING A NEW ARTICLE II. ENTITLED FAIR HOUSING.

WHEREAS, Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision, NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, THAT:

SECTION 1. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana entitled Human Relations is hereby amended by repealing current Section 15-10 in its entirety and repealing current Section 15-11 in its entirety.

SECTION 2. Chapter 15 of the Municipal Code of the City of Fort Wayne, Indiana is further amended by adding a new Article II. entitled Fair Housing which contains the following language:

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(B) To create a procedure for investigating and conciliating complaints of discriminatory housing practices.

(C) To provide rights and remedies substantially equivalent to those granted under state and federal law.

15-22. Commission of discriminatory act because of familial status. - Under this Article, a discriminatory act is committed because of familial status if the act is committed because a person who is the subject of discrimination is:

(A) Pregnant;

(B) Domiciled with an individual younger than eighteen (18) years of age in regard to whom the person:

(1) Is the parent or legal custodian; or

(2) HIS written permission of the parent or legal custodian for domicile with that person; or

(C) In the process of obtaining legal custody of an individual younger than 18 years of age.

15-23. Definitions

Applicability. - The definitions in this section apply throughout this Article.

Aggrieved person defined. - Aggrieved person includes any person who:

(A) Claims to have been injured by a discriminatory housing practice; or

(B) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

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(A) Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or

(B) Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by subdivision (A).

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Handicap defined.

(A) Handicap means, with respect to a person:

(1) A physical or mental impairment that substantially limits one (1) or more of the person's major life activities;

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(3) Being regarded as having an impairment described in subdivision (A).

(B) The term does not include current illegal use of or addition to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(C) The term does not include an individual solely because that individual is a transvestite. Person defined. - Person means one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11, receivers, and fiduciaries.

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(A) The person accused of a violation of this Article in a complaint of discriminatory housing practice; or

(B) Any person identified as an additional or a substitute respondent under 15-48 or an agent of an additional or a substitute respondent.

To rent defined. - To rent includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Division 2. Exemptions

15-24. Sale or rental of single-family houses - Rooms or units in certain dwellings.

(A) Subject to subdivisions (C), section 15-37 does not apply to the following:

(1) The sale or rental of a single-family house sold or rented by an owner if:

(a) The owner does not:

(i) Own more than three (3) single-family houses at any one (1) time; or

(ii) Own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and

(b) The house was sold or rented without:

(i) The use of the sales or rental facilities or services of a real estate broker, an agent, or a salesman licensed under I.C. 25-34-1, or of an employee or agent of a licensed broker, an agent, or a salesman, or facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families; or

(ii) The publication, posting, or mailing of a notice, a statement, or an advertisement prohibited by section 15-38.

(B) (1) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.

(2) The exemption in subsection (A) (1) applies to only one (1) sale or rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.

15-25. Religious organizations - This Article does not prohibit a religious organization, an association, or a society or a nonprofit institution or an organization



(C) If it is impracticable to file a complaint within the time period provided by subsection (D), the commission shall notify the complainant and respondent in writing of the reasons for the delay.

(D) If the commission determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall immediately issue a finding of reasonable cause on behalf of the aggrieved person.

15-53. Finding of reasonable cause - Contents.

(A) A finding of reasonable cause issued under section 15-52:

(1) Must consist of a concise statement on which the commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(2) Must be based on the final investigative report; and

(3) Need not be limited to the facts or grounds alleged in the complaint.

(B) Not later than twenty (20) days after the commission issues a finding of the finding of reasonable cause, the commission shall send a copy of the finding of reasonable cause with information concerning the election under section 15-56 to the following:

(1) Each respondent, together with a notice of the opportunity for a hearing provided by section 15-58.

(2) Each aggrieved person on whose behalf the complaint was filed.

15-54. Dismissal of complaint.

(A) If the commission determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall promptly dismiss the complaint.

(B) The commission shall make available for public disclosure each dismissal under this Article.

15-55. Finding of reasonable cause precluded after commencement of civil actions. - The commission may not issue a finding of reasonable cause under this Article regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to the discriminatory housing practice.

15-56. Election to have claims decided in civil action

(A) A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of reasonable cause decided in civil action as provided by section 15-57.

(B) The election must be made not later than twenty (20) days after the date of receipt by the electing person of service under section 15-53 (B) or, in the case of the commission, not later than twenty (20) days after the date the finding of reasonable cause was issued.

(C) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the finding of reasonable cause relates.

15-57. Filing of civil action - Intervention by aggrieved persons - Granting of relief.

(A) If a timely election is made under Section 15-56, this section, the commission shall, not later than thirty (30) days after the election is made, file a civil action on behalf of the aggrieved person seeking relief under this Article in a Allen Circuit Court or Allen Superior Court.

(B) An aggrieved person may intervene in the action.

(C) If the court finds that a discriminatory practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under 15-64.

(D) If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the action, the court may not award the monetary relief if the aggrieved person has not complied with discovery orders entered by the court.

15-58. Hearing.

(A) If a timely election is not made under section 15-56, the commission shall provide for a hearing on the finding of reasonable cause.

(B) Except as provided by subsection (C), section 21-5 governs a hearing and appeal of a hearing under this Article.

(C) A hearing under this Article may not continue regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing practice.

(A) was considered and relief; and

(B) Involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this Article.

15-66. Intervention by the commission.

(A) The commission may intervene in an action under this Article if the commission determines that the case is of general public importance.

(B) The commission may obtain the same relief available under section 15-64.

Division 7. Enforcement by the commission

15-67. Filing of civil action. - The commission may file a civil action for appropriate relief if the commission has reasonable cause to believe that:

(A) A person has engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this Article; or

(B) A person has been denied any right granted by this Article and that denial raises an issue of general public importance.

An action under this Article may be filed in a Allen Circuit Court or Allen Superior Court.

15-68. Award of relief. - In an action filed under section 15-69, the court may do the following:

(A) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this Article as necessary to ensure the full enjoyment of the rights granted by this Article.

(B) Award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs.

(C) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:

(1) Fifty thousand dollars (\$50,000) for a first violation.

(2) One hundred thousand dollars (\$100,000) for a second or subsequent violation.

15-69. Intervention in civil action. - A person may intervene in an action filed under section 15-67 if the person is:

(A) An aggrieved person to the discriminatory housing practice; or

(2) A party to a conciliation agreement concerning the discriminatory housing practice.

Division 8. Prevailing party

15-70. Attorney's fees and court costs. - A court in a civil action brought under this Article or the commission in an administrative hearing under section 15-58 may award reasonable attorney's fees to the prevailing party and assess court costs against the non-prevailing party.

Division 9. Offenses

15-71. Commission of a Class A misdemeanor. - A person commits a Class A misdemeanor if the person, whether or not acting under color of law, by force or threat of force intentionally intimidates or interferes with or attempts to intimidate or interfere with a person:

(A) Because of a person's race, color, religion, sex, handicap, familial status, or national origin and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental financing, or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Because the person is or has been, or to intimidate the person from:

(1) Participating, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A); or

(2) Affording another person opportunity or protection to participate in an activity, a service, an organization, or a facility described in subdivision (A); or

(3) Lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, handicap, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (A).

SECTION 3. SEVERABILITY. If any provision or term of this Article is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Article which reasonably can be given effect without the invalid provision or term for the application thereof.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and its legal publication thereof.

Cletus R. Edmonds  
COUNCILMEMBER

Read the third time in full and on motion by Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight  
Bradbury, Edmonds, Glazewitz, Henry, Long, Lunney, Ravine, Talarico  
Nays: One  
Schmidt  
Abstained: None  
Absent: None  
DATED: 7-14-92

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-33-92 on the 14th day of July, 1992.

ATTEST: Thomas C. Henry  
Sandra E. Kennedy Presiding Officer  
City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1992, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 15th day of July, 1992, at the hour of 1:30 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-33-42 passed by the Common Council on the 14th day of July, 1992, and that said Ordinance was duly signed and approved by the Mayor on the 15th day of July, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 15th day of July, 1992.  
SANDRA E. KENNEDY  
CITY CLERK

7--24-31

(i) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow later installations of grab bars; and (iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(d) As used in subsection (c) , covered multifamily dwellings means:

(i) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and

(ii) Ground floor units in other buildings consisting of four (4) or more units.

(e) Compliance with the rules of the fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI A117.1) satisfies the requirements of subsection (c) (3) (c).

(f) This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

15-42. Loans or financial assistance. (A) As used in this Article, residential real estate related transaction means the following:

(1) Making or purchasing loans or providing other financial assistance:

(a) To purchase, construct, improve, repair, or maintain a dwelling; or

(b) To secure residential real estate.

(2) Selling, brokering, or appraising residential real property.

(B) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, handicap, familial status, or national origin.

15-43. Brokers' organizations, services, or facilities. - A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, handicap, familial status, or national origin.

15-44. Coercion, intimidation, threats, or interference. - A person may not coerce, intimidate, threaten, or interfere with any other person:

(1) In the exercise or enjoyment of any right granted or protected by this Article; or

(2) Because the person has exercised or enjoyed, or has encouraged another person in the exercise or enjoyment of, any right granted or protected by this Article.

Division 5. Administrative Enforcement

15-45. Duty of commission to investigate discriminatory housing practice - Filing of complaint - Amendment - Notice.

(A) The commission shall investigate alleged discriminatory housing practices.

(B) A complaint concerning an alleged discriminatory housing practice must be:

(1) In writing; (2) Under oath; and

(3) In the form prescribed by the commission.

(C) An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the commission alleging the discriminatory housing practice.

(D) Not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, the commission may file the commission's own complaint.

(E) A complaint under this Article may be amended at any time.

(F) When a complaint is filed under this Article, the commission shall do the following:

(1) Give the aggrieved person notice that the complaint has been received.

(2) Advise the aggrieved person of the time limit and choice of forums under this Article.

(3) Not later than twenty (20) days after filing of the complaint or the identification of an additional respondent under 15-48 of this Article, serve on each respondent:

(i) A notice identifying the alleged discriminatory practice and advising the respondent of the procedural rights and obligations of a respondent under this Article; and

(b) A copy of the original complaint.

15-46. Answer to complaint.

(A) Not later than ten (10) days after receipt of notice and a copy of the complaint under section 15-45 (F) (3) , a respondent shall file an answer to the complaint. (B) An answer must be: (1) In writing; and (2) In the form prescribed by the commission.

(C) An answer may be amended at any time.

(D) An answer does not inhibit the investigation of a complaint.

15-47. Investigation of complaints referred by federal government - Completion of investigation.

(A) If the federal government has referred a complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the commission shall promptly investigate the allegations set forth in the complaint.

Respondent cannot respond

(A) The person accused of a violation of this Article in a complaint of discriminatory housing practice; or

(B) Any person identified as an additional or a substitute respondent under 15-48 or an agent of an additional or a substitute respondent.

To rent defined. - To rent includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

#### Division 2. Exemptions

15-24. Sale or rental of single-family houses - Rooms or units in certain dwellings.

(A) Subject to subsection (C) , section 15-37 does not apply to the following:

(1) The sale or rental of a single-family house sold or rented by an owner if:

(a) The owner does not:

(i) Own more than three (3) single-family houses at any one (1) time; or

(ii) Own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and

(b) The house was sold or rented without:

(i) The use of the sales or rental facilities or services of a real estate broker, an agent, or a salesman licensed under I.C. 25-34-1, or of an employee or agent of a licensed broker, an agent, or a salesman, or facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families; or

(ii) The publication, posting, or mailing of a notice, a statement, or an advertisement prohibited by section 15-38.

(B) ( 1) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four ( 4 ) families living independently of each other if the owner maintains and occupies one ( 1 ) of the living quarters as the owner's residence .

(2) The exemption in subsection (A) (1) applies to only one (1) sale or rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.

15-25. Religious organizations - This Article does not prohibit a religious organization, an association, or a society or a nonprofit institution or an organization operated, supervised, or controlled by or in conjunction with a religious organization, an association, or a society from:

(A) Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(B) giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin.

15-26. Private Clubs. - This Article does not prohibit a private club not open to the public that, as an incident to the club's primary purpose, provides lodging that the club owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to the members or from giving preference to the members, unless membership in the club is restricted because of race, color, or national origin.

15-27. Housing for older persons.

(A) As used in this Article, housing for older persons means housing that the commission determines is:

(1) Specifically designed and operated to assist elderly persons under federal or state program;

(2) Intended for and solely occupied by persons at least sixty-two (62) years of age; or

(3) Intended and operated for occupancy by at least one (1) person at least fifty-five (55) years of age in each unit.

(B) Housing that includes units that are unoccupied or that are occupied by persons who do not meet the age requirement of subsection (A) (2) or (A) (3) does not fail to meet the requirements for housing for older persons if:

(1) The unoccupied units are reserved for persons who meet the age requirements of subsection (A) (2) or (A) (3); or

(2) The occupants who do not meet the age requirements of subsection (A) (2) or (A) (3) have resided in the housing since September 13, 1988 or an earlier date, and the persons who became occupants after September 13, 1988, meet the age requirements of subsection (A) (2) or (A) (3).

(C) The Commission shall adopt rules under I.C. 4-22-2 to establish criteria for matching determinations under subsection (A) . These rules must include at least the following provisions:

(1) Except as provided in subsection ( 2 ) , the housing must provide significant facilities and services specifically designed to meet the physical or social needs of older persons.

(2) If the provision of the facilities and services described in subsection (1) is not practicable, the housing must be necessary to provide important housing opportunities for older persons.

(3) At least eighty percent (80%) of the units must be occupied by at least one (1) person who is at least fifty-five (55) years of age.

(4) The owner or manager of the housing must publish and adhere to provide housing for persons who are at least fifty-five (55) years of age.

(D) The provisions of section 15-22 relating to familial status do not apply to housing for older persons.

15-28. Appraisals of property. - This Article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, or national origin.

15-29. Health or safety restrictions - Other laws not affected.

(A) This Article does not affect a reasonable local, or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.

(B) This Article does not affect a requirement of nondiscrimination in any other local, state or federal law.

#### Division 3. Administrative Provisions

15-30. Commission to administer article. - The commission shall administer this Article.